

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

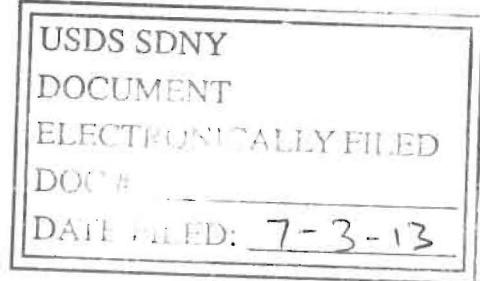
PRINCETON DIGITAL IMAGE
CORPORATION,

Plaintiff,

-v-

HEWLETT-PACKARD, CO., *et al.*,

Defendants



No. 12 Civ. 779 (RJS)
ORDER

RICHARD J. SULLIVAN, District Judge:

The Court is in receipt of Plaintiff's letter, dated June 28, 2013, and Defendant Fujifilm's letter, dated June 28, 2013, concerning a discovery dispute in this action. The Court notes that Plaintiff's letter violated Rule 2.G of the Court's Individual Rules of Practice, which requires parties to submit discovery disputes to the Court in joint letters of no more than five pages. Regardless, the Court finds that Fujifilm properly relied on Federal Rule of Civil Procedure 33(d) in responding to Plaintiff's Interrogatories 1, 8, and 12 because the parties would share a similar burden in compiling and summarizing the relevant information in Fujifilm's records. Thus, the Court concludes that Fujifilm has adequately responded to these interrogatories. In addition, Fujifilm's response to Plaintiff's Interrogatory 3, that Fujifilm's accused cameras operate in a "materially" similar fashion, is sufficient; however, the Court notes that Fujifilm has thereby waived the right to assert that these devices operate in a materially dissimilar manner in this proceeding. The Court finds that the remainder of Plaintiff's objections regarding Fujifilm's responses to Interrogatories 3, 4, and 5 are premature because the parties have not conferred concerning these objections. Finally, the Court concludes that Plaintiff's General Objection No. 10 is unavailing. Fujifilm need not produce information outside the relevant

damages period of March 2004 to December 2007. Moreover, the Court deems the information that Fujifilm has produced concerning its scanners to be sufficient.

SO ORDERED.

Dated: July 3, 2013
New York, New York


RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE